Tk

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,340	11/16/2001	Paul England	MS1-955US	5780

22801   7590   05/16/2006

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/993,340	ENGLAND ET AL.
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 February 2006</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-11,20-29,41,42,49-53,55-67 and 76-79* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-11,20-29,41,42,49-53,55-67 and 76-79* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in reply to an amendment filed on February 27, 2006.

Claims 6, 12-19, 30-40, 43-48, 54 and 68-75 are canceled.

Independent claims 1, 41, 49,52 and 79 and 32 are amended. Therefore

claims **1-5,7-11,20-29,41,42,49-53,55-67 and 76-79** are pending/examined.

Response to Arguments

2.   Applicant's argument has been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for
patent, except that an international application filed under the treaty defined in
section 351(a) shall have the effects for purposes of this subsection of an
application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such
treaty in the English language.

4.   **Claims 1-5,7-11,20-29,41,42,49-53,55-67 and 76-79** are rejected under 35

U.S.C. 102(e) as being anticipated by **Peterka.** (hereinafter referred to as **Peterka**) (U.S.

Publication No. 2002/0172368 A1) (Claims priority of provisional application,

60/243,92 filed on October 26, 2000)

5.   **As per claim 1, 7-9, 20-26,41-42,49,52,55,59,61,63 and 76-79,** **Peterka**

discloses a method comprising:

Receiving a request to transfer application data from a source computing

device to a destination computing device;[figure 19, paragraph 0066,

paragraph 0136]

 Checking whether the application data can be transferred to the

destination computing device[0066] (caching server examines the secure

object of the client) and if so then

Checking whether the application data can be transferred under the

control of user [paragraph 0136, "checking could be performed by the client] **or**

a third party. [paragraph 0136, checking could be either performed by content

providers/ caching server] **wherein, checking whether the application data**

can be transferred comprises checking a type of the application data,

[paragraph 0137,"analyzes the client's request for the program content] **the type**

of application data being one of non-migreatable [paragraph 0137, content

data which the clients are not authorized are non-migratable] **user-migrateable**

[paragraph 0136, checking by the client itself] and third party-migrateable.[

[paragraph 0136, checking could be either performed by content providers/

caching server]

Receiving input from the appropriate one of the user or third party to

control transferring of the application data to the destination computing

device [paragraph 0136]

6.   **As per claims 2,27,53 and 64,** Peterka discloses a method as applied to claim

above. Furthermore **Peterka** discloses the method further comprising further

comprising: checking whether the destination computing device is trusted to receive the

application data; and preventing the application data from being transferred if the

destination computing device is not trusted to receive the application data. [paragraph

0066,0142]

7.   **As per claim 3,** Peterka discloses a method as applied to claim above.

Furthermore **Peterka** discloses the method wherein,checking whether the destination

computing device is trusted to receive the application data comprises checking whether

software executing on the destination computing device is trusted to receive the

application data. [paragraph 0066,0142]

8.   **As per claims 4-5,** Peterka discloses a method as applied to claim above.

Furthermore **Peterka** discloses the method, wherein checking whether the destination

computing device is trusted to receive the application data comprises the third party

checking whether the destination computing device is trusted to receive the application

data.[paragraph 0136-0137]

9.   **As per claim 10,** Peterka discloses a method as applied to claim above.

Furthermore **Peterka** discloses the method, further comprising: receiving application

data to be encrypted and stored on the source computing device; identifying how the

application data is to be allowed to be transferred to the destination computing device if

a request to transfer the application data is received; and selecting a particular one of a

plurality of encryption keys to encrypt the application data, wherein the selecting is

based at least in part on how the application data is to be allowed to be transferred to

another computing device.[paragraph 0142 & 0066]

10.   **As per claims 11,28-29,56 and 65,** Peterka discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, further comprising: further comprising: allowing application data for a plurality of applications to be transferred to the destination computing device by moving a single key to the destination computing device. [Paragraph 0066 & 0142]

11.   **As per claims 50-51 and 77,** Peterka discloses a method as applied to claim above. Furthermore Peterka discloses the method, wherein the type of application secret is all secrets and the key associated with the one type is a gatekeeper storage key.[[Paragraph 0066 & 0142]

12.   **As per claims 57, 66 and 78,** Peterka discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, wherein the data comprises an operating secret.[Paragraph 0066 & 0142]

13.   **As per claims 58, 67 and 79,** England discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the data comprises trusted core secret.[Paragraph 0066 & 0142]

14.   **As per claims 60 and 62,** Peterka discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, wherein the plurality of instructions to: encrypt an encryption key previously used to encrypt the data; and allow the encrypted key to be copied to the destination computing device.[Paragraph 0066 & 0142]
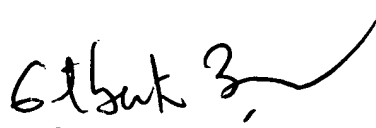
]

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S·L
05/01/2006

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100